

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ZAKI THOMAS** :  
v. :  
**THE COMMONWEALTH OF** :  
**PENNSYLVANIA (UNITED STATES)** :  
: **CIVIL ACTION**  
: No. 14-171  
:

## ORDER

**AND NOW**, this 10<sup>th</sup> day of August, 2015, upon careful and independent consideration of the petition for a writ of habeas corpus (Doc. No. 1), the response (Doc. No. 11), and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge (Doc. No. 13), it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;<sup>1</sup>
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of this ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

**BY THE COURT:**

/s/Lawrence F. Stengel  
**LAWRENCE F. STENGEL, J.**

<sup>1</sup> Mr. Thomas did not file objections to the Report and Recommendation.